

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HITOSHI OMBE,

Plaintiff,

v.

CIV 14-0763 RB/KBM

SUSANA MARTINEZ, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION (Doc. 21)

THIS MATTER came before the Court on Plaintiff's "Motion to Request to Complete the Services and an Extension to Serve Certain Defendants", filed December 10, 2014. *Doc. 21*. The Court has reviewed the motion, the response filed on December 15, 2014 by Defendant New Mexico Division of Vocational Rehabilitation ("NMDVR") (*Doc. 23*), and Plaintiff's reply filed on December 31, 2014 (*Doc. 27*). Although no Notice of Completion has been filed as required by D.N.M.LR- Civ. 7.4(e), the Court believes the briefing to be complete and the motion ready for a ruling.

The pro se plaintiff requests that this Court order Defendant NMDVR to "produce a proof" that Defendant Gary Lucas has received notice of this lawsuit. In response, counsel for NMDVR states that no such notice could

be provided even if it was appropriate to do so because NMDVR “has no reason to believe Mr. Lucas has ever received notice of this lawsuit or been served with any pleading whatsoever.” *Doc. 23 at 2.*

NMDVR also correctly notes that it is the obligation of the plaintiff, not the defendants, to complete service of process upon Mr. Lucas as required by the Federal Rules of Civil Procedure. *See Kay v. Bemis*, 500 F.3d 1214, 1218 (10th Cir. 2007) (the Tenth Circuit “has repeatedly insisted that pro se parties follow the same rules of procedure that govern other litigants,” quoting *Garrett v. Selby, Connor, Maddux & Janer*, 425 F.3d 836, 840 (10th Cir.2005) (internal quotation omitted)). Moreover, Plaintiff provides no information indicating that the State Defendants are in any way trying to hide the location of Mr. Lucas in order to thwart service of process upon him. Therefore, the motion is without merit and will be denied.

IT IS SO ORDERED.


UNITED STATES CHIEF MAGISTRATE JUDGE